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Remarks

Claims 1-4, 6-17, 19 and 21 are pending in the application.

Claim 21 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 1, 2, 4, 6, 8, 10, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Hung (U.S. Patent 6,330,255).

Claims 3 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hung.

Claims 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hung in view of Jeon et al. (U.S. Patent 5,812,567).

Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hung in view of Doerr (U.S. Patent 7,006,730).

Although the Examiner has indicated that claims 16, 17 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Hung (U.S. Patent 6,330,255), Applicant respectfully submits that the Examiner has failed to indicate any basis for the rejection of claims 16, 17, and 19.

Each of the various rejections and objections are overcome by amendments that are made to the specification, drawing, and/or claims, as well as, or in the alternative, by various arguments that are presented.

Any amendments to any claim for reasons other than as expressly recited herein as being for the purpose of distinguishing such claim from known prior art are not being made with an intent to change in any way the literal scope of such claims or the range of equivalents for such claims. They are being made simply to present language that is better in conformance with the form requirements of Title 35 of the United States Code or is simply clearer and easier to understand than the originally presented language. Any amendments to any claim expressly made in order to distinguish such claim from known prior art are being made only with an intent to change the literal scope of such claim in the most minimal way, i.e., to just avoid the prior art in a way that leaves the claim novel and not obvious in view of the cited prior art, and no equivalent of any subject matter remaining in the claim is intended to be surrendered.

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Also, since a dependent claim inherently includes the recitations of the claim or chain of claims from which it depends, it is submitted that the scope and content of any dependent claims that have been herein rewritten in independent form is exactly the same as the scope and content of those claims prior to having been rewritten in independent form. That is, although by convention such rewritten claims are labeled herein as having been "amended," it is submitted that only the format, and not the content, of these claims has been changed. This is true whether a dependent claim has been rewritten to expressly include the limitations of those claims on which it formerly depended or whether an independent claim has been rewriting to include the limitations of claims that previously depended from it. Thus, by such rewriting no equivalent of any subject matter of the original dependent claim is intended to be surrendered. If the Examiner is of a different view, she is respectfully requested to so indicate.

#### **Allowable Subject Matter**

Claim 21 was objected to as being dependent upon a rejected base claim, but was indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 17 has been amended to include the limitation of claim 21. Similarly, independent claims 1 and 16 have been amended to include the limitation of claim 21. Therefore, each of the claims, as now presented, is allowable.

#### **Rejection Under 35 U.S.C. 102**

Claims 1, 2, 4, 6, 8, 10-11, 16-17, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Hung (U.S. Patent 6,330,255).

In general, Hung discloses an integrated optic device including a surface acousto-optic tunable filter utilized to provide signals indicative of the wavelength of optical signals, and a tunable filter controllable via a processor such that the tunable filter passes only optical signals at a predetermined wavelength.

Hung, however, fails to teach or suggest each and every limitation of Applicant's invention of at least claim 1. Namely, as admitted by the Examiner (Office Action, Pg. 8) Hung fails to teach or suggest at least the limitation of "a control unit for scanning a

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tuning frequency of the tunable filter across a frequency band of the optical signal and monitoring the optical power as a function of the tuning frequency,” as taught in Applicant’s invention of at least claim 1.

Rather, Hung merely teaches a tunable filter, connected in cascade with a loop, utilized to tune an optical signal to a desired wavelength, as well as an optical sensor utilized to measure the actual wavelength of the optical signals in the loop. Hung is completely devoid of any teaching or suggestion of a control unit for scanning a tuning frequency of a tunable filter, much less scanning a tuning frequency of a tunable filter across a frequency band of the optical signal and monitoring the optical power as a function of the tuning frequency, as taught in Applicant’s invention of at least claim 1. As such, Hung fails to teach or suggest each and every limitation of Applicant’s invention of at least claim 1.

Thus, Applicant submits that claim 1 is allowable over Hung under 35 U.S.C. 102. Similarly, independent claims 16 and 17 recite limitations similar to the limitations of independent claim 1. As such, for at least the reasons discussed with respect to claim 1, Applicant submits that independent claims 16 and 17 are also allowable over Hung under 35 U.S.C. 102. Furthermore, since all of the dependent claims that depend from the independent claims include all the limitations of the respective independent claim from which they ultimately depend, Applicant submits that each such dependent claim is also allowable over Hung under 35 U.S.C. 102.

#### **Rejection Under 35 U.S.C. 103(a)**

##### **Claims 3 and 15**

Claims 3 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hung.

Each of these grounds of rejection applies only to dependent claims, and each is predicated on the validity of the rejection under 35 U.S.C. 102 given Hung et al. Since the rejection under 35 U.S.C. 102 given Hung has been overcome, as described hereinabove, these grounds of rejection cannot be maintained.

Therefore, Applicant’s claims are allowable over Hung under 35 U.S.C. 103(a).

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**Claims 7 and 9**

Claims 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hung in view of Jeon et al. (U.S. Patent 5,812,567).

Each of these grounds of rejection applies only to dependent claims, and each is predicated on the validity of the rejection under 35 U.S.C. 102 given Hung. Since the rejection under 35 U.S.C. 102 given Hung has been overcome, as described hereinabove, and there is no argument put forth by the Office Action that Jeon. supplies that which is missing from Hung. to render the independent claims obvious, these grounds of rejection cannot be maintained. Furthermore, the Examiner clearly states in the Office Action that the prior art of record fails to disclose or suggest a means for scanning a tuning frequency of an optical signal.

Therefore, Applicant's claims are allowable over Hung in view of Jeon et al. under 35 U.S.C. 103(a).

**Claims 12-14**

Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hung in view of Doerr (U.S. Patent 7,006,730).

Each of these grounds of rejection applies only to dependent claims, and each is predicated on the validity of the rejection under 35 U.S.C. 102 given Hung. Since the rejection under 35 U.S.C. 102 given Hung. has been overcome, as described hereinabove, and there is no argument put forth by the Office Action that Doerr supplies that which is missing from Hung. to render the independent claims obvious, these grounds of rejection cannot be maintained.

Therefore, Applicant's claims are allowable over Hung in view of Doerr under 35 U.S.C. 103(a).

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Conclusion

It is respectfully submitted that the Office Action's rejections have been overcome and that this application is now in condition for allowance. Reconsideration and allowance are, therefore, respectfully solicited.

If, however, the Examiner still believes that there are unresolved issues, the Examiner is invited to call Eamon Wall at (732) 530-9404 so that arrangements may be made to discuss and resolve any such issues.

Respectfully submitted,

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